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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR09-0016-JCC
09 Plaintiff,)
10 v.)
11 JESSIE SMITH,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Conspiracy to Distribute Cocaine; Conspiracy to Distribute Heroin

15 Date of Detention Hearing: January 16, 2009

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably assure
19 the appearance of defendant as required and the safety of other persons and the community.

20 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

21 1. Defendant has been charged with a drug offense the maximum penalty of which
22 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

dangerousness and flight risk, under 18 U.S.C. §3142(e).

2. Defendant elected to not be interviewed by Pretrial Services. Therefore, there is little background information available upon which to evaluate conditions of release. Defendant has a lengthy criminal history which includes multiple drug offenses, bench warrant activity, failures to appear, and failure to abide by Court orders. At the time of arrest, defendant had just been sentenced to serve one year and one day confinement in state custody.

3. Defendant poses a risk of nonappearance due to lack of background information, failures to appear and failures to abide by Court orders, as well as his pending state sentence. He poses a risk of danger due to his criminal history and the nature of the pending charges.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of

an appearance in connection with a court proceeding; and

- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 16th day of January, 2009.



Mary Alice Theiler
United States Magistrate Judge